

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

August 4, 2009

MEMO TO COUNSEL RE: Koelker, et al. v. Mayor and City Council of Cumberland
Civil No. JFM-07-2706

Dear Counsel:

I have reviewed the papers submitted in connection with the amount of recoverable damages. Plaintiffs do not oppose defendants' calculations, and I will adopt as the sums due to each individual plaintiff the amounts listed in Exhibit 1 to Cumberland's Submission of Amounts Owed to Firefighters Pursuant to the Order of the Court. I will order prejudgment interest at the legal rate of ten percent per annum. Md. Code Ann., Cts. & Jud. Proc § 11-107.

I do not believe that liquidated damages are appropriate under these circumstances. It is true that "liquidated damages in an amount equal to the unpaid overtime compensation are the norm." *Mayhew v. Wells*, 125 F.3d 216, 220 (4th Cir. 1997). However, in light of the complex issues and case law that governed this dispute, I cannot conclude that defendants failed to act in good faith or were unreasonable in believing that their actions complied with the FLSA.

Despite the informal nature of this letter, it should be flagged as an opinion. An implementing Order follows.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge